IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 43 OF 2005

SANTAN FERNANDES,PRESENTLY LOCATED AS CONVICT NO.415,AT CENTRAL JAIL,AGUADA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND 2 ORS., ...Respondents

Mr. Sagar G. Dhargalkar, Advocate for the Petitioner.
Ms. Winnie Coutinho, P.P. for the Respondents.

Coram:- N. A. BRITTO, J.

Date:- 2nd February, 2006

P.C.

Heard learned Advocate Shri Dhargalkar, on behalf of the Petitioner and learned P.P. Ms. Coutinho on behalf of the Respondents.

Perused the affidavit filed by the Inspector General of Prisons, today. It appears that the petitioner's application for release on parole dated 23.11.2004, is pending with the Inspector General of Prisons. From letter dated 06.01.2005, it appears that on behalf of the Inspector General of Prisons, the prisoner was informed by the Superintendent of Central Jail, to produce evidence as regards to the exact date of the petitioner's mother's operation, which was to be fixed by the Doctor from the Goa Medical College, Bambolim. In the affidavit filed by the Inspector General of Prisons today, it is stated that the Superintendent of Central Jail, Aguada, by his letter dated 13.01.2006, has informed that the petitioner was informed about the said letter dated 19.04.2005 and was also asked verbally several times to communicate the date of his mother's operation, but till date, the petitioner has not produced any letter from Dr. Bandekar. In the affidavit it is also stated that the reason for asking the

exact date of the petitioner's mother's operation was that the said prisoner had availed the said facility of parole for a period of fifteen days on the same ground which was granted to him vide Order dated 08.10.2004, and which operation did not take place.

If at all the petitioner's request, vide his application dated 23.11.2004, is pending before the Inspector General of Prisons, no one is to be blamed but the prisoner himself, who has not submitted the required information as sought by the Inspector General of Prisons. In case the required information is submitted by the petitioner before the Inspector General of Prisons within the next fifteen days, the Inspector General of Prisons is hereby directed to consider the said application of the petitioner dated 23.11.2004, in accordance with law.

With the above directions, nothing more survives in the petition and, accordingly, the same is hereby disposed of.

N. A. BRITTO, J.

arp/*